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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,844	07/25/2003	Jinhun Joung	2003P07969 US	2648
7590 08/27/2007				
Elsa Keller Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830		EXAMINER MALEVIC, DJURA		
		ART UNIT 2884		
		MAIL DATE 08/27/2007		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,844

Applicant(s)

JOUNG ET AL.

Examiner

Djura Malevic

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/25/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 –28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hase et al. (US Patent 5,099,134) in view of Tang (US Patent 5,949,850) and Nishiki (US Patent 4,725,734).

With regards to claims 1 and 19, Hase discloses a collimator device and a method of forming a collimator device for nuclear imaging camera (Figure 6) (Background of the invention), comprising: a grid of collimation square holes formed by a plurality of sheets arranged in a grid pattern (Figure 6), each of said sheets having evenly spaced slots into which other sheets are inserted (Figures 1 and 2). Hase does not expressly disclose said sheets comprising an optically reflecting material coating at least a portion of the surfaces of said sheets and pixilated scintillators individually located in each of said collimation square holes.

Tang teaches pixilated scintillators individually located in each of said collimation square holes (Col. 11, Line 19) (Figures 13 and 14) (CLM 10). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hase to include the pixilated scintillators such as that taught by Tang in order to construct an integrated grid/scintillator structure hence improving the overall imaging

Art Unit: 2884

quality. Note, it would also be obvious over applicant's own omission, given that applicant discloses prior art comprising a collimator with integrated crystals, wherein the integrated crystals addresses alignment problems [0012].

Nishiki teaches a collimator comprising plates wherein said plates are coated on both sides with a highly efficient reflector to reflect light beams generated from the scintillation element (Col. 3, Line 55-58). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hase to include plates coated on both sides with a highly efficient reflector such as that taught by Nishiki in order to construct a collimated structure, which reflects light beams generated from the scintillation element, hence improving the overall imaging quality.

With regards to claims 2 and 20, Hase modified discloses a collimator comprising optically reflecting material (See rejection of claim 1), which obviously maximizes light intensity of pixilated scintillators events.

With regards to claims 3 and 21, Tang discloses said scintillators are scintillation crystals (Col. 11, Line 34). Note, applicant own admission also teaches scintillating crystals [0012].

With regards to claims 4 and 22, Hase modified discloses pixilated scintillators comprising square-shaped configuration (i.e., parallel beam).

With regards to claims 5 and 23, Hase discloses said plurality of sheets is formed of a material having a high density (Abstract).

With regards to claims 6 and 24, Hase discloses said high-density material is tungsten (Abstract).

Art Unit: 2884

With regards to claims 7 and 25, Hase discloses said high-density material is lead (Abstract).

With regards to claims 8, 9, 26 and 27, Hase modified discloses the use of an optical reflecting material (i.e., the disclosure of Nishiki), however Hase modified does not disclose using exclusively TiO_2 or MgO as the reflecting material. It would have been obvious to include TiO_2 and MgO as the reflecting material, since it is conventionally used in that environment and would make the reflectance more efficient in view of what is old and well known in the art (See *conclusion* for cited prior art).

With regards to claim 10, Hase discloses a scintigraphic device (Background of the invention), comprising: a collimator (Figure 6) device including a grid of collimation square holes formed by a plurality of sheets arranged in a grid pattern (Figure 6), each of said sheets having evenly spaced slots into which other sheets are inserted (Figure 1 and 2). Hase does not expressly disclose said sheets comprising an optically reflecting material coating at least a portion of the surfaces of said sheets and pixilated scintillators individually located in each of said collimation square holes and a detector coupled to said pixilated scintillators and operable to detect radiation emanating from an object and interacting with said scintillators after passing through said collimator device.

Tang teaches pixilated scintillators individually located in each of said collimation square holes (Col. 11, Line 19) (Figures 13 and 14) (CLM 10). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hase to include the pixilated scintillators such as that taught by Tang in order to construct an integrated grid/scintillator structure hence improving the overall imaging

Art Unit: 2884

quality. Note, it would also be obvious over applicant's own omission, given that applicant discloses prior art comprising a collimator with integrated crystals, wherein the integrated crystals addresses alignment problems [0012].

Nishiki teaches a collimator comprising plates wherein said plates are coated on both sides with a highly efficient reflector to reflect light beams generated from the scintillation element (Col. 3, Line 55-58). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hase to include plates coated on both sides with a highly efficient reflector such as that taught by Nishiki in order to construct a collimated structure, which reflects light beams generated from the scintillation element, hence improving the overall imaging quality. Additionally, Nishiki teaches a detector coupled to said pixilated scintillators and operable to detect radiation emanating from an object and interacting with said scintillators after passing through said collimator device (Col. 4, Line 32++). Thus, it would have been also obvious to one of ordinary skill in the art at the time the invention was made to modify Hase to include a detector coupled to said scintillators such as that taught by Nishiki in order to detect the emission of said scintillators.

With regards to claim 11, Hase modified discloses a collimator comprising optically reflecting material (See rejection of claim 10), which obviously maximizes light intensity of pixilated scintillator events.

With regards to claim 12, Tang discloses said scintillators are scintillation crystals (Col. 11, Line 34). Note, applicant own admission also teaches pixilated scintillating crystals [0012].

With regards to claim 13, Hase discloses pixilated scintillators comprising square-shaped configuration (i.e., parallel beam).

With regards to claim 14, Hase discloses said plurality of sheets is formed of a material having a high density (Abstract).

With regards to claim 15, Hase discloses said high-density material is tungsten (Abstract).

With regards to claim 16, Hase discloses said high-density material is lead (Abstract).

With regards to claims 17 and 18, Hase modified discloses the use of an optical reflecting material [0039], however Hase modified does not disclose using exclusively TiO_2 or MgO as the reflecting material. It would have been obvious to include TiO_2 and MgO as the reflecting material, since it is conventionally used in that environment and would make the reflectance more efficient in view of what is old and well known in the art (See *conclusion* for cited prior art).

With regards to claim 28, Hase discloses a building block for forming a collimator device of a nuclear medical imaging camera, comprising an elongated sheet of metallic material having a thickness suitable for functioning as septa of said collimation device, and having a plurality of evenly spaced slots into which other elongated sheets are inserted in order to form a grid pattern of collimation holes into which pixilated scintillators are placed. Hase does not expressly disclose the collimator coated with an optically reflective material. Nishiki teaches a collimator comprising plates wherein said plates are coated on both sides with a highly efficient reflector to reflect light beams

Art Unit: 2884

generated from the scintillation element (Col. 3, Line 55-58). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hase to include plates coated on both sides with a highly efficient reflector such as that taught by Nishiki in order to construct a collimated structure, which reflects light beams generated from the scintillation element, hence improving the overall imaging quality (also, see rejection of claim 1, above).

Response to Arguments

Applicant's arguments filed 05/29/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that Tang is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Tang teaches a grid (i.e., collimator) directed to electromagnetic radiation (See Abstract).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant claims that Hase does not expressly disclose placement of individual crystals between the septa of the disclosed collimator. Applicant also argues that Hase,

Art Unit: 2884

Tang and applicants own disclosure (i.e., integrated crystals in a collimator to address alignment problems [0013]) teach away from each other because combining Hase, Tang and applicants own disclosure would render Hase inoperable for its primary purpose. Specifically, applicant argues that Hase teaches the use of a scintillating slab as opposed to individual crystals.

The examiner respectfully disagrees. To start, placement of individual crystals between the septa of a collimator is well known. Applicant own discloser (AOD) discloses integrated crystals in a collimator to address alignment problems [0013, AOD]. Additionally, Tang teaches collimating grid comprising individually pixilated scintillators applied to medical imaging together with electromagnetic radiation (Abstract), thus including Hases' collimator. In considering the teachings of the combined references or the known knowledge, the examiner has found that each of the claimed elements is known with the scope and content of the prior art. Therefore, one of ordinary skill in the art would have recognized at the time the invention was made that the capabilities or function of the combination were predictable. Thus, the selection of a scintillating slab or individual crystals represents an obvious choice within the skill of the art, i.e., a choice between known viable alternatives (see KSR, 82 USPQ2d at 1396).

Additionally, since the combination of Hase and Tang is proper, there is still a need to use reflectors to maximize output intensity of each scintillation crystal. The combination of Hase and Nishike thus would be a useful endeavor that would exhibit an improved sensitivity as suggested in the rejection of claim 1. As such, the rejection of claims 1 – 28 stand as rejected.

Art Unit: 2884

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djura Malevic whose telephone number is 571.272.5975. The examiner can normally be reached on Monday - Friday between 8:30am and 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2884

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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